

Court of Appeals, State of Michigan

ORDER

Joshua Zacks v Jeff Zacks

Docket No. 342274

LC No. 16-000653-NI

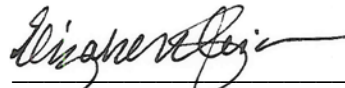
Elizabeth L. Gleicher
Presiding Judge

Cynthia Diane Stephens

Thomas C. Cameron
Judges

In its January 29, 2018 order, the trial court held that Defendant Total Outdoor was not, as a matter of law, required to indemnify Defendant, 1101 Washington, under their lease agreement. In our August 28, 2020 opinion, we concluded, *inter alia*, that the trial court erred because the issue of indemnification must be decided by the trier of fact, not decided as a matter of law. However, this Court's opinion erroneously stated that the trial court's order was "[a]ffirmed."

Accordingly, the Court orders that the motion for reconsideration is GRANTED and our August 28, 2020 opinion is hereby VACATED. A new opinion is attached that correctly reflects that the trial court's opinion is affirmed in part, reversed in part, and remanded for proceedings consistent with the opinion.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

November 19, 2020

Date



Chief Clerk